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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/529,755	03/30/2005	Emmanuel Miette	Q86678	1578
23373 7590 09/03/2010 SUGHRUE MION, PLLC 2100 PENNSYLVANIA AVENUE, N.W. SUITE 800 WASHINGTON, DC 20037				
EXAMINER EPSTEIN, BRIAN M				
ART UNIT 3628		PAPER NUMBER		
NOTIFICATION DATE 09/03/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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### Office Action Summary

**Application No.**

10/529,755

**Applicant(s)**

MIETTE, EMMANUEL

**Examiner**

BRIAN EPSTEIN

**Art Unit**

3628

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on June 7, 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 21-26 is/are pending in the application.
- 4a) Of the above claim(s) 22, 24 and 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21, 23 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20050330 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Applicant's election without traverse of Invention I, claims 21, 23, and 25 in the reply filed on June 7, 2010 is acknowledged. Examiner notes a minor mistake in Applicants Response to Restriction Requirement concerning the elected claims. That is applicant provided that "applicant elects Group I, claims 21, 24, and 25 for examination at this time..." Examiner notes Group I included claims 21, 23, and 25 and further notes claim 24 was drawn to Group II. Since applicant clearly stated an election without traverse of Group I for further prosecution, Examiner respectfully notes the elected invention includes claims 21, 23, and 25.
2. Claims 22, 24, and 26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, Group II, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on June 7, 2010..

### **Status of the Claims**

3. Claims 21-26 were previously pending in this application and subject to a restriction requirement mailed May 6, 2010. Applicant elected claims 21, 23, and 25 of Group I without traverse. Therefore claims 21-26 are currently pending with claims 22, 24, and 26 withdrawn as being directed towards a non elected invention.

***Response to Amendment***

4. Previous claims 17-20 were canceled. The previous objections as to claims 19-20; the previous rejections of claims 17-18 and 19-20 under 35 U.S.C. §112-2<sup>nd</sup>; the previous rejections of claims 17-18 and 19-20 under 35 U.S.C. §101; the previous rejections of claims 17 and 19 under 35 U.S.C. §102, and; the previous rejections of claims 18 and 20 under 35 U.S.C. §103(a) are all withdrawn as being moot since applicant has canceled those respective claims. Examiner respectfully requests applicant to consider the rejections/objection below concerning new claims 21, 23, and 25.

***Response to Arguments***

5. Applicant's arguments filed March 29, 2010 concerning the rejections of now canceled claims 17-20 under 35 U.S.C. §102(e) and 35 U.S.C. §103(a) have been fully considered as far as they apply to new claims 21, 23, and 25 but they are not persuasive. Applicant generally argues examiners interpretation that a claim cannot properly recite conditional steps is incorrect. Although examiner concedes conditional steps, when claimed appropriately can certainly limit a claim, examiner respectfully disagrees claims 21 and 23 necessarily require the steps of "detecting," and "computing."

For example, claim 21 specifically recites "*when* said resolution processing provides several possible ambiguous delivery points... detecting, and computing..." Examiner also notes the prior claim limitation provides that address resolution

processing is completed on an image of a destination address... *"for providing an unambiguous delivery point corresponding to said destination address when said resolution is unambiguous and several possible ambiguous delivery points when said resolution is ambiguous..."* Examiner argues claim 21, as currently recited, merely requires imaging a postal item destination address and performing address resolution processing from the address image.

That is, since applicant explicitly used the language *"when said address resolution processing provides several possible ambiguous delivery points..."*, the subsequent claim language is merely only required to occur when several possible ambiguous delivery points are provided by the address resolution processing system. Examiner argues the term "when" is not synonymous with language such as, for example, *"upon determining, by the address resolution processing, several possible ambiguous delivery points, detecting...and computing..."* That is, in the second example above, it is explicitly required that the resolution is ambiguous and that several possible ambiguous delivery points are determined/provided.

Furthermore, since the claim explicitly provides for the situation where an unambiguous delivery point to said destination address image is provided, any art which teaches performing address resolution processing on an address image and providing an unambiguous delivery point corresponding to the destination address, teaches the claim. Previously cited art Ross certainly teaches such and applicant does not appear to argue otherwise.

Examiner is available for an interview if applicant would find such interview helpful.

***Claim Objections***

6. Claim 25 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Claim 25 appears to be written in independent format but then includes language suggesting the claim depends from claim 23. Examiner suggests applicant incorporate the language, in its entirety, from claim 23 into claim 25. Examiner interprets claim 25 as an independent claim similar to claim 23.

***Claim Rejections - 35 USC § 112-2<sup>nd</sup> Paragraph***

7. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

8. Claims 21 and 23 and 25 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 21 and 23 recite  
"*...computing...a mail volume value for a delivery range in said delivery round for providing a resulting delivery point which corresponds to said destination address when said mail volume is less than a predetermined threshold.*" Examiner rejects the italicized language under §112 since examiner cannot determine how a resulting

delivery point is chosen/provided. That is, when the mail volume value is less than some predetermined value, the claim language is unclear as to how/why/which delivery point is chosen from the plurality of possible ambiguous delivery points. Furthermore, it is unclear how determining that the possible ambiguous delivery points are in a single delivery round and then computing the volume of mail in the single delivery round would result in a provided resulting delivery point which corresponds to the destination address.

As noted above in the arguments section, examiner interprets the steps of detecting and computing as optional. Please see the non final rejection mailed December 28, 2009 for citations concerning optional claim language (Page 5 of the Rejection).

### ***Claim Rejections - 35 USC § 102***

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

10. Claims 21, 23, and 25 are rejected under 35 U.S.C. 102(e) as being anticipated by Ross et al. (US 2004/0065598).

11. As per **claims 21, 23, and 25**, Ross teaches a method and systems for automatically recognizing a destination address of a postal item comprising:

- a. forming a digital image of said postal item including a destination address for said item (Paragraph 0030);
- b. performing address resolution processing from said image and a postal directory via OCR processing in a data processing unit for providing an unambiguous delivery point corresponding to said destination address when said resolution is unambiguous and several possible ambiguous delivery points when said resolution is ambiguous (Paragraph 0030; Figure 1; Paragraph 0006), and;
- c. sorting said postal item in accordance with said resulting delivery point (As per claim 25 only) (Figure 1; Paragraph 0006; Paragraph 0030).

### ***Conclusion***

12. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).
13. A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of



the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to BRIAN EPSTEIN whose telephone number is (571)270-5389. The examiner can normally be reached on Mon-Fri 9-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on (571)-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/B. E./  
Examiner, Art Unit 3628  
August 30, 2010

/JOHN W HAYES/  
Supervisory Patent Examiner, Art Unit 3628

